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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,085	07/27/2001	William G. Parry	13768.200.14.1	6811

7590 04/21/2004
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EXAMINER

LAO, SUE X

ART UNIT PAPER NUMBER

2126

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,085

Applicant(s)

PARRY, WILLIAM G.

Examiner

S. Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-10 and 13-16 is/are allowed.
- 6) ☒ Claim(s) 1,2,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over So et al (U S Pat. 6,179,489) in view of Shaw et al (U S Pat. 5,604,843).

As to claim 1, So teaches a method of operation for a stream class driver (MIDI class driver 9142, wave class driver 9132) which functions in conjunction with a minidriver (minidrivers 9640) that is associated with a hardware adapter (hardware 1720, 1730) which generates or receives streaming data (MIDI/wave data). See col. 47, lines 27-62, fig.s 96, 97, 100. So does not teach initiation steps. However, initiation is necessary for operation of any device drivers, including minidrivers.

Shaw teaches device driver / minidriver (203) initialization, including receiving initialization data (device characterization data / device mode data) from the minidriver (provided by invoking minidriver), registering the initialization data (initialize device mode data), creating a device object (device data structure, fig. 6) for the hardware/adapter, providing a command (command table/descriptors) to the minidriver to initialize the hardware/adapter (initialization of control, disable/enable, WEP), requesting adapter stream information from the minidriver (device characterization data / device mode data), and registering the adapter stream information (store the device characterization data, initialize memory for device data structure containing device dependent and state information). See col. 2, lines 5-53; col. 4, lines 38-48; col. 6, lines

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41-51; col. 7, line 27 – col. 8, line 28. Given the teaching of Shaw, it would have been obvious to use the steps of Shaw to perform initialization in So. One of ordinary skill in the art would have been motivated to do so because Shaw teaches that initialization and information are among the functions which must be implemented by a device driver (col. 1, line 63 – col. 2, line 53), and thus true for the class driver and the minidriver of So.

As to claim 2, So as modified teaches providing a command to the minidriver to turn off power to the adapter (Shaw, shutting down signal, col. 2, lines 18-19). So as modified further teaches that the various device drivers are implemented in DLLs (Shaw, col. 9, lines 4-17). DLLs are typically loaded on demand and unloaded when its function/service is not needed. Therefore, it would have been obvious to page out (unload) the minidriver of So as modified until its function/service is needed.

As to claims 11, 12, there are the program product claims of claims 1, 2, and thus note claims 1 and 2, respectively, for discussions.

4. Claims 3-10, 13-16 are allowed.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U S Patents 5,604,843 and 5,926,775 teaches minidriver operations.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (703) 305 9678. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Sue Lao



April 15, 2004